

JOINT COMMITTEE ON ADMINISTRATIVE RULES

ILLINOIS GENERAL ASSEMBLY

CO-CHAIR:
SEN. DON HARMON

CO-CHAIR:

EXECUTIVE DIRECTOR:
VICKI THOMAS



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SEN. PAMELA ALTHOFF
SEN. SUE REZIN
SEN. DALE A. RIGHTER
SEN. IRA SILVERSTEIN
REP. GREG HARRIS
REP. LOU LANG
REP. DONALD L. MOFFITT
REP. ANDRE' THAPEDI

MINUTES

January 8, 2013

MEETING CALLED TO ORDER

The Joint Committee on Administrative Rules met on January 8, 2013 at 9:00 a.m. in Room D-1 of the Stratton Office Building in Springfield, Illinois.

Co-Chair Crotty called the meeting to order and announced that the policy of the Committee is to allow only representatives of State agencies to testify orally on any rule under consideration at Committee hearings. Other persons are encouraged to submit their comments in writing.

ATTENDANCE ROLL CALL

X Senator Pamela Althoff	X Representative Greg Harris
X Senator Maggie Crotty	X Representative Lou Lang
Senator Don Harmon	X Representative Donald Moffitt
Senator John O. Jones	Representative Rosemary Mulligan
Senator Dale Righter	X Representative Angelo "Skip" Saviano
Senator Ira Silverstein	X Representative Andre' Thapedi

APPROVAL OF THE MINUTES OF THE DECEMBER 11, 2012 MEETING

Representative Lang moved, seconded by Senator Althoff, to approve the minutes of the December 11, 2012 meeting. The motion passed unanimously.

SUSPENSION RESPONSE

Healthcare and Family Services – Medical Payment (89 Ill. Adm. Code 140; 36 Ill. Reg. 11329)

Representative Thapedi moved, seconded by Representative Saviano, that the Joint Committee on Administrative Rules, pursuant to Section 5-125 of the Illinois Administrative Procedure Act, withdraw the Suspension against Section 140.491 of this emergency rule contingent upon and effective with the Department's repeal of its SMART Act emergency amendments to this Section. The Committee originally issued this Suspension at the August 14, 2012 meeting.

Kathleen McGinty, Chief of HFS' Office of the Inspector General (HFS-OIG), was present.

Representative Lang asked Ms McGinty to confirm the Agreement between JCAR and HFS.

Ms McGinty agreed that HFS would repeal SMART Act emergency amendments to Section 140.491 once JCAR withdraws its Suspension.

Representative Saviano asked what role HFS-OIG has in promulgating rule for the Department when the entities are required to be separated.

Ms McGinty clarified that the 2 entities remain separate. However, one of HFS-OIG's main functions is to investigate Medicaid fraud. HFS and HFS-OIG collaborated on these rules. HFS-OIG did not write the rules for the Department.

The motion passed unanimously by roll call vote (7-0-0).

REVIEW OF AGENCY RULEMAKINGS

Illinois Housing Development Authority – State Housing Appeals Board (47 Ill. Adm. Code 395; 36 Ill. Reg. 14050)

Representative Moffit moved, seconded by Representative Harris, that JCAR and IHDA agree to extend consideration of this rulemaking for an additional 45 days. The motion passed unanimously.

Department of Insurance – Preferred Provider Programs (50 Ill. Adm. Code 2051; 36 Ill. Reg. 6356)

Representative Saviano moved, seconded by Representative Thapedi, that JCAR and the Department of Insurance agree to extend the second notice period for this rulemaking for an additional 45 days. The motion passed unanimously.

CONSIDERATION OF OTHER RULEMAKINGS

Co-Chair Crotty asked if any member desired consideration of any rulemaking. Senator Althoff requested consideration of a DHS rulemaking and Representative Harris requested consideration of a DNR rulemaking.

Department of Human Services – Lekoteks (89 Ill. Adm. Code 899; 36 Ill. Reg. 11888)

Senator Althoff moved, seconded by Representative Lang, that JCAR and DHS agree to extend consideration of this rulemaking for an additional 45 days.

Tracie Drew, Chief of DHS' Bureau of Administrative Rules, confirmed that the Department agreed to the Extension.

The motion passed unanimously.

Department of Natural Resources – General Hunting and Trapping on Department-Owned or -Managed Sites (17 Ill. Adm. Code 510; 36 Ill. Reg. 13507)

Representative Harris moved, seconded by Representative Moffitt, that JCAR and DNR agree to extend consideration of this rulemaking for an additional 45 days. The motion passed unanimously.

CERTIFICATION OF NO OBJECTION

Representative Harris moved, seconded by Senator Althoff, that the Committee inform the agencies to whose rulemakings the Committee did not vote an Objection or an Extension, or did not remove from the No Objection List, that the Committee considered their respective rulemakings at the monthly meeting and, based upon the Agreements for modification of the rulemakings made by the agencies, no Objections will be issued. The motion passed unanimously.

AGENCY RESPONSE

Department of Central Management Services – Day Care (89 Ill. Adm. Code 1300; 36 Ill. Reg. 14460)

Based on the appropriateness of the agency's response, no further action.

FEBRUARY MEETING DATE

Co-Chair Crotty announced that the next monthly meeting is scheduled for Tuesday, February 5, 2013, at 9:00 a.m., Room D-1, Stratton Office Building, Springfield IL.

ADJOURNMENT

Representative Saviano moved, seconded by Representative Thapedi, that the meeting stand adjourned. The motion passed unanimously.

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